

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARLOS URENA,

Petitioner,

-v-

UNITED STATES,

Respondent.

18 Civ. 9995 (PAE)
11 Cr. 1032-4 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received the attached letter (“Urena Letter”) from petitioner Carlos Urena acknowledging receipt of the Government’s opposition to his § 2255 motion. The letter indicates that Urena has not yet received a copy of the Government’s opposition, Dkt. 30, and requests additional time to reply.

In their respective submissions, both Urena and the Government rely on the Second Circuit’s decision in *United States v. Scott*, 954 F.3d 74 (2d Cir. 2020), in which the Second Circuit held that “New York first-degree manslaughter is not a predicate crime of violence because it can be committed by complete inaction and therefore without the use of force[.]” *Id.* at 78; *see also* Dkts. 25 (“Urena Mem.”), 30 (“Gov. Opp.”). However, the Court understands the Government has moved for *en banc* reconsideration of the decision in *Scott*. *See* Gov. Opp. at 3. Accordingly, the Court will stay all further briefing on Urena’s motion pending the *en banc* decision.

The Clerk of Court is respectfully directed to mail a copy of this order and the Government’s opposition at docket 13 to Urena, who is currently housed at the United States Penitentiary Allenwood in Pennsylvania.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: November 6, 2020
New York, New York